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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/011,167	10/05/1998	JOHANNES J. GEUZE	RILE.001.OOU	9536

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EXAMINER

VANDERVEGT, FRANCOIS P

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/011,167	GEUZE ET AL.	
	Examiner	Art Unit	
	F. Pierre VanderVegt	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1644

DETAILED ACTION

This application is a rule 371 continuation of PCT Serial Number PCT/NL96/00317.

1. In view of Applicant's amendment filed July 15, 2003, which was misdirected by the Office and filed prior to the Final Office Action mailed August 13, 2003, the Office Action mailed August 13, 2003 is **HEREBY VACATED**. The present Office Action is responsive to Applicant's amendment filed July 15, 2003.

In order to clarify the pending claims of the present application, the following claim summary is presented:

Claims 1-10 were pending in the original Rule 371 application filed February 2, 1998.

In the preliminary amendment filed February 2, 1998, claims 1, 5, 7 and 8 were canceled.

In the preliminary amendment filed February 2, 1998, claims 11-13 were added.

In the amendment filed August 12, 2002, claims 2-4, 6 and 9-12 were canceled.

In the amendment filed August 12, 2002, new claims 14-17 were added.

Accordingly, **claims 13-17 are currently pending.**

Continued Prosecution Application

2. The request filed on July 15, 2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/011,167 is acceptable and a CPA has been established. An action on the CPA follows.

Election/Restrictions

3. **Claim 17 is withdrawn** from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12, filed July 3, 2000.

Claim 17 is drawn to vesicles comprising both MHC class I and MHC class II molecules.

However, Applicant elected vesicles comprising MHC class II molecules and it was explained in the Office Action mailed August 14, 2000 that MHC class I and MHC class II peptides are processed via separate pathways.

Accordingly, **claims 13-16 are the subject of examination** in the present Office Action.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-16 are rejected under 35 USC § 102(b) as being anticipated by Harding et al. (J. Immunology, 151:3988-3998, 1993, of record).

Harding teaches the subcellular fractionation of murine peritoneal macrophages to produce lysosomal fractions containing MHC Class II molecules (see entire article, especially page 3990, column 2, last 2 paragraphs in particular), and that fractions containing lysosomes and light density membranes contained peptide-MHC-II complexes that were detected by T cells, (see entire article especially page 3992, column 1, last paragraph in particular). Harding teaches the differential centrifugation of the membrane-containing fractions over a Percoll gradient at 100,000 x g, which is greater than the 70,000 x g recited in claims 14 and 16 and will pellet out all material obtainable at 70,000 x g. Harding teaches that B cells, another type of antigen presenting cell, comprise similar compartments (page 3997, second column in particular). The prior art teaching anticipates the claimed invention.

5. Claims 13 and 15 are rejected under 35 USC § 102(b) as being anticipated by Amigorena et al (Nature, 369:113-120, 1994, of record).

Amigorena teaches the subcellular fractionation of a B cell line to produce fractions containing membrane vesicles with MHC Class II molecules (see entire article, especially page 114, column 2, last paragraph in particular), which contained processed peptide (see entire article, especially page 118, first paragraph of the Discussion Section in particular). The prior art teaching anticipates the claimed invention.

Conclusion

6. No claim is allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Pierre VanderVegt whose telephone number is (571) 272-0852. The examiner can normally be reached on M-Th 6:30-4:00; Alternate Fridays 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Pierre VanderVegt, Ph.D.
Patent Examiner
April 6, 2004



PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER
4/6/04